

### **REMARKS**

In the Non-Final Office Action mailed on April 16, 2004, the Examiner reviewed claims 1-20. The Examiner allowed claim 20, but rejected claims 1, 2, 8, 12, 13 and 15. The Examiner objected to claims 3-7, 9-11, 14 and 16-19 as dependent upon a rejected base claim. Applicant believes all pending claims, including new claims 21-25, to be in condition for allowance.

### **Drawing Changes**

Applicant has added a drawing of a remote control to Figure 1. This feature was previously described in the specification. Applicant has merely shown this feature. No new matter has been added.

### **Specification**

Applicant has amended the specification to identify by number a remote control. No new matter has been added.

### **Claim Rejections - 35 U.S.C. §102**

Claim 1 and 2 were rejected under 35 U.S.C. §102(e) as being anticipated by *Kawai, et al.* With respect to claim 1, claim requires in pertinent part, “an air temperature control unit” and “a cover for said air temperature control unit.” In addition, an optical receiver must be “housed within said cover.” The Examiner contends that these features are shown by *Kawai, et al.* However, *Kawai, et al.* fails to show a cover for an air temperature control unit, the cover also acting as a housing for an optical receiver. Instead, *Kawai, et al.* only shows the housing for an optical receiver (sensor unit 500). This cover does not serve as a cover for an air temperature control unit, which according

to *Kawai, et al.*, is remote from the sensor housing as shown in Figure 34. For this reason, claim 1 and its dependents, claims 2-11, stand in condition for allowance.

The Examiner further rejected claims 12, 13 and 15 pursuant to 35 U.S.C. §102(b) as being anticipated by *Hire*. Applicant has amended claim 12 to clarify the distinction between *Hire* and the present invention. Claim 12 now requires, “said arm configured to be actuated manually.” This feature is now shown by *Hire*, which shows an arm actuated by a bi-metallic disc 35, which snaps downwardly to actuate arm 22 upon a predetermined temperature change. [*Hire*, column 2, ll 26-40]. Accordingly, claim 12 and its dependents, claims 13-19, stand in condition for allowance.

#### **Claim Rejections - 35 U.S.C. §103**

The Examiner rejected claim 8 pursuant to 35 U.S.C. §103(a) as being unpatentable over *Kawai, et al.* Claim 8 requires in pertinent part, “said air temperature control unit has a first air temperature set point and a second air temperature set point, said first air temperature set point lower than said second air temperature set point.” The Examiner contends that multiple set point temperatures are common and well known. The Examiner contends there would be motivation to combine these so-called well known features with the teachings of *Kawai, et al.*, “for the purpose of increasing personal comfort by independently controlling on and off temperatures for the system in conjunction with the optically sensed temperatures.” Yet, this motivation is not supported by *Kawai, et al.* Indeed, one would expect some suggestion of the desirability of the combination of *Kawai, et al.* with what the Examiner regards to be well known features. The absence of which supports the conclusion that the combination of *Kawai, et al.* with the prior art is not obvious. For this reason, claim 8 is separately allowable.

### New Claims

In addition, Applicant has added claims 21-25. These claims are in condition for allowance. Claim 21 depends upon claim 1 and is allowable for this reason. In addition, this claim requires, "said air temperature control unit controls air temperature." There is no showing in the cited references of an air temperature control unit controlling air temperature which has a cover that also houses an optical receiver. For this reason, claim 21 is separately allowable.

Claim 22 depends upon claim 1 as well. This claim requires, "said air temperature control unit is configured to be controlled remotely through said optical receiver." *Kawai, et al.* does not show this feature. Claim 22 is allowable.

Claim 23 depends upon claim 22 and is allowable for this reason alone. In addition, claim 23 requires, "a remote control for communicating with said optical receiver." This features is not shown by the cited references. Therefore, claim 23 is in condition for allowance.

Claim 24 requires, "an air temperature sensor in communication with said air temperature control unit where said cover has a first air vent spaced across said cover from a second air vent, said air temperature sensor spaced between said first air vent and said second air vent." The Examiner indicated this feature not to be shown by the cited references. (See claim 9). Accordingly, claim 24 is in condition for allowance.

Claim 25 requires in pertinent part, "an optical receiver" and "a speaker in communication with said optical receiver, said speaker audible when said optical receiver receives the light signal." This independent claim merely incorporates a unique feature

of claim 10, which the Examiner has already indicated to be allowable. For this reason, claim 25 is in condition for allowance.

Applicant believes that additional fees in the amount of \$262.00 are required for five claims in excess of twenty and two additional independent claims. A check in the amount of \$262.00 is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

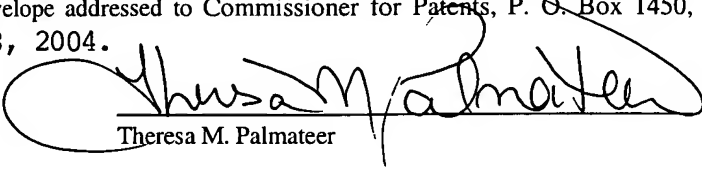
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**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 8, 2004.

  
Theresa M. Palmateer

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